

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 130 – SB 1033

April 10, 2013

SUMMARY OF ORIGINAL BILL: Creates a new Class C felony for promoting travel for prostitution.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – \$69,800/Incarceration*

SUMMARY OF AMENDMENT (006259): Deletes subsection (a) of Section 1 of the bill. Adds commercial sex acts as a crime for which one can be prosecuted for promoting travel.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increased State Expenditures – \$76,800/Incarceration*

Assumptions for the bill as amended:

- Washington's criminal code relative to prostitution is similar to Tennessee's. Washington, like Tennessee, has offenses for promoting prostitution and patronizing prostitution. Washington also has an offense for promoting travel for prostitution, Rev. Code Wash. (ARCW) § 9A.88.085.
- In 2011 and 2012, Washington had 35 admissions for promoting prostitution in the second degree (Washington's equivalent to promoting prostitution in Tennessee) and 3 admissions for promoting travel for prostitution. Admissions for promoting travel for prostitution are approximately 8.57 percent of the total admissions for promoting prostitution in the second degree ($3/35 = 0.0857$).
- According to the Department of Correction (DOC), there has been an average of 6.3 admissions for promoting prostitution, a Class E felony, over the last 3 years.
- Applying the same ratio as is realized in Washington, it is assumed the proposed legislation will result in one Class C felony admission each year ($6.3 \times 0.0857 = .54$).
- According to the DOC, the average operating cost per offender per day for calendar year 2013 is \$64.17.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth

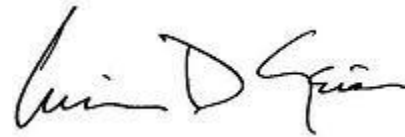
of 11.78 percent over the next 10 years. Population growth will not affect the fiscal impact of this legislation.

- The average time served for a Class C felony is 2.98 years (1,088.45 days).
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender serving 2.98 years (1,088.45 days) for a total of \$69,846 (\$64.17 x 1,088.45 days).
- Trafficking for commercial sex acts, formerly sexual servitude, was enacted into law in 2008. According to statistics from the DOC, there has been an average of 0.4 admissions for trafficking for commercial sex acts over the past five years.
- It is assumed that the bill will result in one admission every 10 years for the Class C felony of promoting travel for commercial sex acts.
- The average time served for a Class C felony is 2.98 years (1,088.45 days).
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender every 10 years serving 2.98 years (1,088.45 days) for an annualized total of \$6,985 [(\$64.17 x 1,088.45 days) / 10].
- The total additional incarceration cost is \$76,831 (\$69,846 + \$6,985).
- Any increase in caseloads for the District Public Defenders Conference or the District Attorneys General Conference can be accommodated within existing resources without an increased appropriation or reduced reversion.
- Any impact to the caseloads of state trial courts can be accommodated within existing judicial resources without an increased appropriation or reduced reversion.

**Tennessee Code Annotated § 9-4-210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

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